



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 20 2019

CERTIFIED MAIL 7018 2280 0000 6087 5049
RETURN RECEIPT REQUESTED

Mr. John Hulbert
Land and Governmental Affairs Manager
Deseret Cattle and Timber
6900 Highway 22
Wewahitchka, Florida 32465

RE: Information Request Letter 308-2020-001

Dear Mr. Hulbert:

The United States Environmental Protection Agency Region 4, met with you at your office on November 13 and 14, 2019, to conduct an inspection on parcels owned by Deseret Ranches of North Florida, LLC. As discussed during our inspection, the EPA has learned that Deseret Cattle and Timber and/or Deseret Ranches of North Florida, LLC (collectively "Deseret") has been mechanically land clearing and converting forested wetlands to pasture and discharging dredged and/or fill material associated with pond excavation into wetlands without U.S. Army Corps of Engineers Clean Water Act (CWA) Section 404, 33 U.S.C. § 1344, permits. The parcels are located in Bay County, Florida.

The EPA is continuing to investigate Deseret's compliance with the CWA. Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that Deseret provide the information set forth in Enclosure A within sixty (60) days of receipt of this letter. Your response should be sent to:

Mr. Christopher Parker
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
Surface Water and Groundwater Section
61 Forsyth Street S.W.
Atlanta, Georgia 30303

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to 33 U.S.C. § 1319 and 18 U.S.C. § 1001.

If Deseret believes that any of the requested information is Confidential Business Information (CBI), it may assert a business confidentiality claim with respect to such information in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.* Please separate documents that you wish to protect as CBI from non-confidential documents. Sending

documents claimed as CBI electronically to the EPA is done at the risk of the claimant, as the EPA does not have the capability to encrypt electronic information. The EPA requests that any such information be physically mailed to the address provided. If Deseret does not assert a CBI claim, the EPA may make information submitted under this request available to the public without further notice to Deseret. Additional information regarding the EPA's requirements for confidential treatment of information can be found in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.*

We have also enclosed a document that provides information for small businesses that may be subject to an EPA enforcement action. This document is for your use and to assist you in understanding the compliance assistance resources and tools available to you. Any decision to seek compliance assistance at this time, however, does not relieve Deseret of its obligation to the EPA nor does it create any new rights or defenses and will not affect the EPA's decision to pursue enforcement action.

If you have any questions concerning this matter, please contact Mr. Christopher Parker at (404) 562-9838 or have your attorney contact Mr. Mathew Hicks at (404) 562-9670.

Sincerely,



Mary Jo Bragan, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Mr. Robert Halbert
U.S. Army Corps of Engineers
Jacksonville District

Mr. Terry Wells
U. S. Army Corps of Engineers
Pensacola Field Office

Mr. John Truitt
Florida Department of Environmental Protection

EPA SECTION 308 INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this information request.
2. Precede each answer with the number of the Question to which it corresponds.
3. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
4. You must provide the information requested even though you may contend that it includes confidential business information (CBI) such as trade secrets. You may, if you desire, assert a CBI claim covering part or all of the information requested, under 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet with the words "trade secret," "proprietary," or "company confidential" stamped or typed on it. Information covered by such claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in the regulation set forth above. **If you do not assert a confidentiality claim, when you submit your information to the EPA, EPA may disclose the information to the public without further notice to you.** You should read the above cited regulations carefully before asserting a CBI claim, since certain categories of information are not properly the subject of such a claim.

Definitions

The following definitions shall apply to the following words as they appear in the Questions below:

5. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
6. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
7. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
8. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last

known home address and home telephone number, and present or last known job title, position or business.

9. The term “identify” means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.

10. The term “identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

11. The term “Site” means the parcels of land in Bay, Calhoun, Franklin, and Gulf Counties identified in Attachment A – Parcel List.

12. The term “Work” means any land clearing activities, ditching, dredging, side casting, road construction, stream crossing construction, mechanical land clearing, piping of streams, timber harvesting, excavating, pond construction, conversion to pasture and/or ranch lands, or filling activities that have occurred in wetlands or streams at the Site.

13. The term “you” and/or Respondent” shall mean Deseret Cattle and Timber, Deseret Ranches of North Florida, LLC, and/or any company, entity, or corporation that has directed Work at the Site.

Questions

Please provide EPA with the following information or documents pertaining to the Site (responses may include paper and/or digital format):

14. The name and address of any contractor, subcontractor, consultant, agent or individual who directed or participated in Work at the Site.

15. The types of equipment used to carry out the Work, and the names and addresses of the person and/or companies that own and/or operate the equipment.

16. The date upon which Work was commenced and the date upon which the Work was completed or will be completed.

17. A description of all Work at the Site performed by Respondent, or on behalf of the Respondent by its contractor(s), subcontractor(s), consultant(s), agent(s) or an individual.

18. A description of the entire scope of activities at the Site including any maps, engineering plans, construction plans, drainage maps, forest management plans, water management plans, ranching plans, and development plans.
19. A description of the condition of the Site before Work commenced including any maps, engineering plans, construction plans, drainage maps, forest management plans, ranching plans, and development plans.
20. Copies of any on-site environmental assessments that were done on soils, vegetation or hydrology at the Site.
21. Copies of any photographic, aerial photographic, and topographic survey information on the Site.
22. Copies of any Federal, State or local permits that may have been received for the Work on the Site.
23. Your reasons for not obtaining a Federal permit (if you did not do so) under Section 404 of the Clean Water Act prior to commencing the Work at the Site.
24. Plans for any additional Work at the Site.
25. Copies of documents, including notes, regarding any written or verbal communication with Federal, State, or local agencies regarding the Work.
26. Please identify the individual or individuals who prepared the responses to this Information Request.

At the end of your response to this information request, please include the following certification:

I certify that I have personally reviewed the information contained in this response to the information request and the response is truthful, accurate and complete. I further certify that the response to the information request contains all documents responsive to the request. I am aware that there are significant penalties for submitting false information including the possibility of further enforcement under the CWA.

Name
Title